IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 832 of 2006 (S/S)

1. Sanjay Kathayat
   S/o Sri Balwant Singh Kathayat
2. Dheeraj Bedi
   S/o Sri Komal Kumar Bedi
3. Manoj Lohani
   S/o Sri S.S.N. Lohani

…… Petitioners

Versus

1. Secretary, Department of Tourism.
   Uttaranchal Government, Distt. Dehradun.
   Secretariat, Uttaranchal.
2. Director, Department of Tourism
   Govt. of Uttaranchal, Distt. Dehradun.
3. The Principal,
   Govt. Hotel Management & Catering Institute,
   District Almora.

…… Respondents

Mr. Harshvardhan Sah, learned counsel for the petitioners.
Mr. N.P. Sah, learned Standing counsel for the State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this petition, the petitioners, who are Instructors, engaged on contract basis with Government Hotel Management and Catering Institute, Almora, have sought their regularisation in service.

3) In para 11 of the counter affidavit, it has been stated that the engagement of the petitioners was of a contractual nature. They were engaged for a particular period in every academic session, in which they have worked. It is further

state in the counter affidavit that the term of appointment has come to an end.

4) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in 2006 A.I.R.S.C.W. Page 1991,*** that daily wage workers, persons engaged on contract basis and the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise service of the petitioners.

5) The writ petition is dismissed. Interim order, if any, stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: December 01, 2006
H.Negi